while employed upon an intrastate train which was transporting water to a tank supplying interstate and intrastate trains. *Held*, that the federal Employers' Liability Act does not apply. *Missouri, Kansas, & Texas Ry. Co.* v. *Fesmire*, 150 S. W. 201 (Tex., Ct. Civ. App.).

A railroad employee was injured while repairing a bridge upon which a track to carry interstate commerce was to be laid. *Held*, that the federal Employers' Liability Act does not apply. *Pedersen* v. *Delaware, Lackawanna, & Western R. Co.*, 197 Fed. 537 (C. C. A., Third Circ.).

A railroad employee was injured while unloading rails to be used in replacing old rails upon a roadbed over which interstate trains passed. Apparently he was to take part in the repairing. *Held*, that the federal Employers' Liability Act does not apply. *Pierson* v. *New York, Susquehanna & Western R. Co.*, 85 Atl. 233 (N. J., Ct. Err. and App.). See NOTES, p. 354.

INTERSTATE COMMERCE — CONTROL BY STATES — TAXATION: GOODS IN TRANSIT. — Flour while in interstate transit was stopped *en route* in an intermediate state, and there repacked and blended. The flour was usually on the wharf for from ten to twenty days, and a "fair working margin" was always kept on hand. *Held*, that it is taxable by the state. *In re Holt & Co.*, 35 N. J. L. J. 307 (State Board of Equalization of Taxes). See NOTES, p. 358.

JUDGMENTS — COLLATERAL ATTACK — MERGER OF FOREIGN JUDGMENT. — The plaintiff, after obtaining a judgment in Washington based on a Massachusetts judgment, brought suit in California on the Massachusetts judgment. *Held*, that the action is maintainable. *Lilly-Brackett Co.* v. *Sonnemann*, 126 Pac. 483 (Cal.).

The defendant in the principal case contended that the Massachusetts judgment had been merged in the Washington judgment. A lien is usually created by statute on the lands of a judgment debtor within the jurisdiction. *Mitchell* v. *Wood*, 47 Miss. 231. See *Hutcheson* v. *Grubbs*, 80 Va. 251, 254. It is argued, therefore, that unless successive judgments merge, a judgment creditor can unjustly subject the judgment debtor's property to a multiplicity of record liens. See *Gould* v. *Hayden*, 63 Ind. 443, 448; 1 FREEMAN, JUDGMENTS, 4 ed., § 216. Accordingly some courts hold that where the second judgment is recovered in the same jurisdiction and gives a lien upon the same property as the first, the former judgment is merged. *Denegre* v. *Haun*, 13 Ia. 240; *Purdy* v. *Doyle*, 1 Paige (N. Y.) 557. *Contra*, *Andrews* v. *Smith*, 9 Wend. (N. Y.) 53; *Preston* v. *Perton*, Cro. Eliz. 817. Of the few cases, however, where the second judgment has been obtained in a different jurisdiction, the majority support the principal case. *Weeks* v. *Pearson*, 5 N. H. 324; *Wells* v. *Schuster-Hax National Bank*, 23 Colo. 534, 48 Pac. 809. *Contra*, *Gould* v. *Hayden*, 63 Ind. 443. The courts argue that judgments are equal securities, and that where securities are equal there is no merger. But the meaning of this arbitrary distinction is not clear. It would seem that the technical doctrine of merger should not be applied where it will work injustice. To fully realize on his judgment, a judgment creditor may need to proceed against the judgment debtor's property in more than one jurisdiction, and it would be unjust to hold that in order to acquire a lien upon lands of the judgment debtor in a second state he must lose his judgment lien in the first jurisdiction.

LARCENY — LARCENY BY TRICK — DISTINCTION BETWEEN LARCENY BY TRICK AND FALSE PRETENSES. — The defendant was indicted for grand larceny upon two counts. The first alleged that the defendant *animo furandi*, by means of false representations, obtained a sale of goods to his principal and a delivery to himself as agent. The second charged the commission of common-